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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,787	04/10/2001	Fumiko Uchino	325772023800	9241

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EXAMINER

AGGARWAL, YOGESH K

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 08/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/828,787

**Applicant(s)**

UCHINO ET AL.

**Examiner**

Yogesh K Aggarwal

**Art Unit**

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6, 10, 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Takahashi et al. (US Patent # 6,630,960).

[Claim 1]

Takahashi et al. teaches a digital camera (figure 3) comprising an image pickup device (figure 3, element 3) for capturing an image of a subject; an exposure determining element (figure 3, element 25) for determining exposure parameters in image capturing, a selector (figure 3, element 20) for selecting a metering process for determining said exposure parameters (col. 5 lines 52-61) and a control unit (figure 3, element 25) for correcting said image through a correcting process according to a type of said metering process selected by said selector (col. 5 lines 49-61).

[Claim 2]

Takahashi et al. teaches center weighted light metering in which center regions are weighted (priority) more compared to other regions based on the weighting coefficient pixel values assigned to different pixels by the control unit 25 (col. 8 lines 26-35).

[Claim 3]

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Takahashi et al. teaches a control unit (figure 3, element 25) corrects exposure based upon different modes selected by the unit 20 which further correspond to different metering processing as illustrated in figures 7 and 8 (col. 8 lines 24-45).

[Claim 4]

Takahashi et al. teaches a control unit 25 determines a relation between luminance (brightness) in the image and said subject on the basis of a result of different phototaking modes and based on the relation corrects the exposure (col. 18 lines 31-61).

[Claim 5]

Takahashi et al. teaches a digital camera (figure 3) comprising an image pickup device (figure 3, element 3) for capturing an image of a subject; an exposure determining element (figure 3, element 25) for determining exposure parameters in image capturing, a meter (figure 3, element 25) for performing metering process in determination of said exposure parameters in which brightness in a specific area is weighted within an image capturing range (col. 5 lines 52-67, figure 4) and a corrector (figure 3, element 25) for correcting said image on the basis of values of pixels corresponding to said specific area (col. 6 lines 1-22).

[Claim 6]

Takahashi et al. teaches a digital camera (figure 3) comprising an image pickup device (figure 3, element 3) for capturing an image of a subject; an exposure determining element (figure 3, element 25) for determining exposure parameters in image capturing, a meter (figure 3, element 25) for performing metering process in determination of said exposure parameters in which a plurality of areas in an image capturing range are metered (col. 5 lines 52-67, figure 4), a divider (figure 3, element 25) for dividing said image on the basis of positions of said plurality of areas

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(col. 8 lines 7-11) and a corrector (figure 3, element 25) for correcting each of said plurality of divided areas individually by using a result of said metering process (col. 8 lines 11-23).

[Claim 10]

Takahashi et al. teaches an image camera for capturing an image of a subject (figure 3), a metering device (figure 3, element 25) for metering said subject for exposure control at capturing, and provided with a plurality of metering processes, a program storage (figure 3, elements 19a, 19b) for storing a plurality of image-correction programs previously related to the metering processes (col. 9 lines 1-34), a selector (figure 3, element 20) for selecting a metering process among said plurality of metering process selected and a control unit (figure 3, element 25) for correcting said image according to an image correction program previously related to said metering process (col. 9 lines 21-24).

[Claim 11]

Takahashi et al. teaches an image camera for capturing an image of a subject (figure 3), a metering device (figure 3, element 25) for metering said subject to generate a metering information for exposure control and a control unit (figure 3, element 25) for correcting said image in response to said metering information obtained in said metering device (col. 5 lines 49-61).

3. Claims 7, 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Fukuda (US Patent # 6,091,908).

[Claim 7]

Fukuda teaches an apparatus of processing an image comprising a first element (figure 1: 62) for determining a metering type used in capturing said image data including said image from image

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data including said image and determining a correcting process in accordance with said metering type and second element for correcting said image through said correcting process (col. 4 lines 17-25).

[Claim 8]

This is a method claim corresponding to apparatus claim 7. Therefore it has been analyzed and rejected based upon apparatus claim 7.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda (US Patent # 6,091,908).

[Claim 9]

Claim 9 is similar to claim 7 except a computer processor for storing and reading the code for the method implemented in claim 7. It would have been obvious to one skilled in the art to have a computer processor for storing and reading the code in order to transfer the code to any other image input apparatus so as to implement it on other devices

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

i. Okino et al. (US Patent # 4,734,777).

**Best Available Copy**


ii. Uchino et al. (US PG-PUB # 2002/0008771).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K Aggarwal whose telephone number is (703) 305-0346. The examiner can normally be reached on M-F 9:00AM-5:30PM.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YKA  
July 26, 2004

  
TUAN HO  
PRIMARY EXAMINER

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